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8 **UNITED STATES DISTRICT COURT**
9 EASTERN DISTRICT OF CALIFORNIA
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11 MARIO A. VALENZUELA,
12 Plaintiff,

13 v.

14 SANTIESTEBAN, *et al.*,
15 Defendants.
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Case No. 1:20-cv-01093-JLT-BAM (PC)

**AMENDED¹ DISCOVERY AND SCHEDULING
ORDER**

Deadline to Amend Pleadings: **June 2, 2025**
Exhaustion Motion Filing Deadline: **July 1, 2025**
Discovery Deadline: **October 29, 2025**
Dispositive Motion Deadline: **January 7, 2026**

17 Plaintiff Mario A. Valenzuela (“Plaintiff”) is a state prisoner proceeding *pro se* and *in*
18 *forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds
19 against Defendants Santiesteban, Rodriguez, and Alejo for excessive force in violation of the
20 Eighth Amendment and against Defendant Perez for failure to protect in violation of the Eighth
21 Amendment, arising from the incident on June 22, 2019.

22 Pursuant to the Court’s order lifting the stay of this action, the parties may proceed with
23 discovery pursuant to the instant Amended Discovery and Scheduling Order.

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¹ This order supersedes the Discovery and Scheduling Order issued on February 25, 2021. (ECF No. 31.)

1 Pursuant to Federal Rules of Civil Procedure 1, 16, and 26–36, discovery shall proceed as
2 follows:

3 **Discovery Procedures:**

4 1. Discovery requests shall be served by the parties pursuant to Federal Rule of Civil
5 Procedure 5 and Local Rule 135. Discovery requests and responses shall not be filed with the
6 Court unless required by Local Rules 250.2, 250.3, and 250.4.

7 2. Responses to written discovery requests shall be due **forty-five (45) days** after the
8 request is first served. Boilerplate objections are disfavored and may be summarily overruled by
9 the Court. Responses to document requests shall include all documents within a party's
10 possession, custody, or control. *See* Fed. R. Civ. P. 34(a)(1). Documents are deemed within a
11 party's possession, custody, or control if the party has actual possession, custody, or control
12 thereof, or the legal right to obtain the property on demand. Amendments to discovery responses
13 served after the filing of and in response to a motion to compel are strongly disfavored, absent
14 good faith. The parties are required to act in good faith during the course of discovery and the
15 failure to do so may result in the payment of expenses pursuant to Federal Rule of Civil
16 Procedure 37(a)(5) or other appropriate sanctions authorized by the Federal Rules of Civil
17 Procedure or the Local Rules, which may include dismissal of the case.

18 3. Pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), Defendant may depose
19 Plaintiff and any other witness confined in a prison upon condition that, at least fourteen (14)
20 days before such a deposition, Defendant serves all parties with the notice required by Federal
21 Rule of Civil Procedure 30(b)(1). Pursuant to Federal Rule of Civil Procedure 30(b)(4), the
22 parties may take any deposition under this section by video conference without a further motion
23 or order of the Court. Pursuant to Federal Rule of Civil Procedure 30(b)(3)(A), a court reporter
24 may be present at a deposition by video conference without a further motion or order of the
25 Court. Nothing herein forecloses a party from bringing a motion for protective order pursuant to
26 Federal Rule of Civil Procedure 26(c)(1) if necessary.

27 4. If discovery disputes arise, the parties shall comply with all pertinent rules including
28 Rules 5, 7, 11, 26, and 37 of the Federal Rules of Civil Procedure and Rules 110, 130, 131, 133,

1 135, 142, 144, and 230(l) of the Local Rules of Practice for the United States District Court,
2 Eastern District of California. A discovery motion that does not comply with applicable rules
3 will be stricken and may result in imposition of sanctions. However, unless otherwise ordered,
4 Local Rule 251 shall not apply, and the requirement set forth in Federal Rules of Civil Procedure
5 26 and 37 of a good faith conference or attempt to confer with the other party to resolve the
6 dispute shall not apply. Voluntary compliance with this provision of Rules 26 and 37 is
7 encouraged, and if the Court deems it appropriate in any given case, it will reimpose the good
8 faith meet and confer requirement. A moving party should not seek to compel production of
9 documents which are equally available to that moving party, such as documents in plaintiff's
10 central file.

11 **Amendment to Pleadings:**

12 5. All stipulated amendments or motions to amend shall be filed by **June 2, 2025**.

13 **Filing Deadlines:**

14 6. The deadline for filing motions for summary judgment under Federal Rule of Civil
15 Procedure 56 for failure to exhaust administrative remedies is **July 1, 2025**.

16 7. The deadline for the completion of all discovery, including filing all motions to
17 compel discovery, is **October 29, 2025**. Absent good cause, discovery motions will not be
18 considered if filed after the discovery deadline. Therefore, discovery requests and deposition
19 notices must be served **at least forty-five (45) days before** the discovery deadline to permit time
20 for a response and time to prepare and file a motion to compel.

21 8. Unless otherwise ordered, all motions to dismiss, motions for summary judgment,
22 motions concerning discovery, motions pursuant to Federal Rules of Civil Procedure 7, 11, 12,
23 15, 41, 55, 56, 59 and 60, and Local Rule 110, shall be briefed pursuant to Local Rule 230(l).
24 Failure to timely oppose such a motion may be deemed a waiver of opposition to the motion.
25 L.R. 230(l). Unsigned affidavits or declarations will be stricken, and affidavits or declarations
26 not signed under penalty of perjury have no evidentiary value. Opposition to all other motions
27 need be filed only as directed by the court.

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1 9. The deadline for filing all dispositive motions (other than a motion for summary
2 judgment for failure to exhaust) is **January 7, 2026**.

3 10. Courtesy hard-copies SHALL reflect the CM/ECF document numbers and
4 pagination.

5 11. **A request for an extension of a deadline set in this order must be filed on or**
6 **before the expiration of the deadline in question and will only be granted on a showing of**
7 **good cause.**

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9 IT IS SO ORDERED.

10 Dated: **March 4, 2025**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE